

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

**U.S. Bank Trust, N.A., as Trustee for
LSF11 Master Participation Trust**

Plaintiff

vs.

Yau Hung Chan

Defendant

**Bank of America, N.A., successor by
merger to FIA Card Services, N.A.**

Party-In-Interest

**CIVIL ACTION NO: 19-cv-00541-
LEW**

**RE:
864 Main Street, Calais, ME 04619**

**Mortgage:
February 7,
2006
Book 3117, Page 272**

CONSENT JUDGMENT OF FORECLOSURE AND SALE

Now comes the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust, and the Defendant, Yau Hung Chan, and hereby submits this Consent Judgment of Foreclosure and Sale.

Count II – Breach of Note, Count III – Breach of Contract, Money Had and Received, Count IV – Quantum Meruit, and Count V – Unjust Enrichment, are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I – Foreclosure, is hereby **ENTERED** as follows:

1. If the Defendant or his/her heirs or assigns pays U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust (“U.S. Bank”) the amount adjudged due and owing (\$249,913.41) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Unpaid Principal Balance	\$135,035.62
Interest	\$70,164.60
Late Charges	\$1,404.47
Escrow Advances	\$43,308.72
Grand Total	\$249,913.41

- 2 If the Defendant or his/her heirs or assigns does not pay U.S. Bank the amount adjudged due and owing (\$249,913.41) within 90 days of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his/her remaining rights to possession of the Calais Property shall terminate, U.S. Bank shall conduct a public sale of the Calais Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$249,913.41 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324.
- 3 Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
- 4 The amount due and owing is \$249,913.41.
- 5 The priority of interests is as follows:
- a.) U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust has first priority, in the amount of \$249,913.41, pursuant to the subject Note and Mortgage.
 - b.) Bank of America, N.A., successor by merger to FIA Card Services, N.A. has the second priority behind the Plaintiff pursuant to a Writ of Execution, dated January 27, 2012, in the amount of \$12,491.29, and recorded in the Washington County Registry of Deeds in Book 3822, page 272.
 - c.) Yau Hung Chan has the third priority behind the Plaintiff.

6. No public utility easements survive the foreclosure.
7. The prejudgment interest rate is 5.875%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. § 1602-C.
8. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D, Beverly, MA 01915
DEFENDANT	Yau Hung Chan	Law Office of J. Scott Logan, LLC 75 Pearl Street, Suite 212 Portland, ME 04101
PARTIES-IN-INTEREST	Bank of America, N.A., successor by merger to FIA Card Services, N.A. 100 North Tryon Street, Suite 170 Charlotte, NC 28202	Pro Se

- a) The docket number of this case is No. 19-cv-00541-LEW.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 864 Main Street, Calais, ME 04619, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 864 Main Street, Calais, ME 04619. The Mortgage was executed by the Defendant on February 7, 2006. The book and page number of the Mortgage in the Washington County Registry of Deeds is Book 3117, Page 272.

(e) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an in rem judgment against the property, 864 Main Street, Calais, ME 04619.

Dated: July 5, 2019

/s/Reneau J. Longoria, Esq.

John A. Doonan, Esq., Bar No. 3250
Reneau J. Longoria, Esq., Bar No.
5746 Attorneys for Plaintiff
Doonan, Graves & Longoria,
LLC 100 Cummings Center,
Suite 225D Beverly, MA 01915
(978) 921-2670
JAD@dgndl.com
RJL@dgndl.com

Dated: June 26, 2019

/s/ J. Scott Logan, Esq.

J. Scott Logan, Esq. on
behalf of Yau Hung Chan
Law Office of J. Scott Logan,
LLC 75 Pearl Street, Suite 212
Portland, ME 04101

SO ORDERED.

Dated this 4th day of August, 2020.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE